

1

2

3

4

5

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 || GREGORY J. BENNETT,

Petitioner,

11 | VS.

12 || BENEDETTI, et al.,

Respondents.

Case No. 3:10-cv-00159-RCJ-VPC

ORDER

15 Before the court are petitioner's motion for issuance of subpoena duces tecum (#42) and
16 motion for an extension of time (#43). Petitioner bases both requests on a claim that he needs time
17 and resources to develop a claim that the prosecution withheld potentially exculpatory evidence, in
18 violation of Brady v. Maryland, 373 U.S. 83 (1963). However, there is no Brady claim in the
19 petition (#6). A reply brief is not the correct pleading in which to present a new ground for relief.
20 Cacoperdo v. Demosthenes, 37 P.3d 504, 507 (9th Cir. 1994). The court will grant petitioner a short
21 extension to submit a reply to the answer (#40) to the grounds that actually remain in the petition.

IT IS THEREFORE ORDERED that petitioner's motion for issuance of subpoena duces tecum (#42) is **DENIED**.

24 || //

25 |||

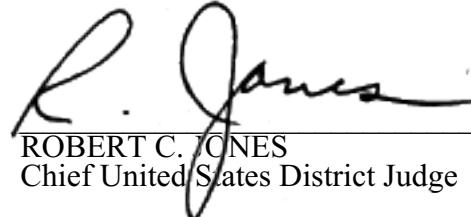
26 |||

27 |||

28 || //

1 IT IS FURTHER ORDERED that petitioner's motion for an extension of time (#43) is
2 **GRANTED** in part. Petitioner shall have through August 16, 2013, to file and serve a reply to the
3 answer (#40).

4 Dated: August 21, 2013.


ROBERT C. JONES
Chief United States District Judge

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28